



Rule Fact Sheet
September 18, 2012

**DEVELOPMENT OF AMENDMENTS TO RULES AT 329 IAC 7.1
CONCERNING THE PRIORITY RANKING SYSTEM FOR HAZARDOUS
SUBSTANCES RESPONSE SITES AND 329 IAC 16 CONCERNING
ELECTRONIC WASTE**

LSA Document #12-379

Overview

The Indiana Department of Environmental Management has developed draft rule language for amendments to rules 329 IAC 7.1 concerning the priority ranking system for hazardous substances response sites and amendments to rules at 329 IAC 16 concerning electronic waste. The rule changes will make 329 IAC 7.1 and 329 IAC 16 consistent with the statute at IC 13-12-3-2 regarding risk-based cleanups.

Citations Affected:

329 IAC 7.1-2-5; 329 IAC 7.1-2-9; 329 IAC 7.1-2-13; 329 IAC 7.1-4-1; 329 IAC 16-10-1.

Affected Persons

The majority of affected persons are owners of contaminated sites, environmental consultants, and some small business owners.

Reason(s) for the Rule

This rulemaking will make 329 IAC 7.1 and 329 IAC 16 consistent with the statute at IC 13-12-3-2 concerning risk-based remediation standards.

Economic Impact of the Rule

It is not anticipated for the fiscal impact of this rulemaking to exceed \$500,000. There should not be any costs that can be associated with this rulemaking.

Benefits of the Rule

These rules, 329 IAC 7.1 and 329 IAC 16 will be consistent with the statute regarding risk-based remediation standards.

Description of the Rulemaking Project

This rulemaking amends rules at 329 IAC 7.1 concerning the priority ranking system for hazardous substance response sites and 329 IAC 16 for electronic waste. This rulemaking will make 329 IAC 7.1 and 329 IAC 16 consistent with the statute at IC 13-12-3-2 concerning risk-based remediation standards. The Commissioner has determined that the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule. Therefore, a first notice will not be published.

Scheduled Hearings

September 18, 2012, 1:30 pm, Conference Center Room A, Indiana Government Center South, Indianapolis, IN.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.

5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant animal, or aquatic life; or

(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The new and amended rules are consistent with federal laws, rules, guidance.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the Indiana Register. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Solid Waste Management Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the Indiana Register after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with Legislative Services.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Lynn West, Rules Development Branch, Office of Legal Counsel, (317) 232-3593 or (800) 451-6027 (in Indiana).